

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NOAH G. ALI,

Plaintiff,

v.

ORDER
09-CV-166

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). Motions for judgment on the pleadings were filed by plaintiff on June 26, 2009 and by defendant on August 12, 2009. On November 9, 2009, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for judgment on the pleadings be denied, plaintiff's motion for judgment on the pleadings be granted and the matter remanded to the Commissioner for further proceedings.

Plaintiff filed objections to the Report and Recommendation on November 24, 2009 and defendant filed a response thereto. Oral argument on the objections was held on January 28, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion for judgment on the pleadings is granted and defendant's motion for judgment on the pleadings is denied. The case is remanded to the Commissioner for further proceedings. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 9, 2010